

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
UNITED STATES OF AMERICA	:	07 Cr. 672 (RJH)
	:	
-against-	:	
	:	
CLAUDIA FRANCIS,	:	
	:	
Defendant.	:	
-----X		

AFFIRMATION OF CLAUDIA FRANCIS

CLAUDIA FRANCIS affirms as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a defendant in the above-captioned case. I submit this affirmation in support of my pretrial motion to suppress evidence.

2. On June 28, 2007, I was arrested at my home, 137-07 Frankton Street, Rosedale, NY. I live in the downstairs apartment in this two-family home with my husband, Gary Francis, and my two teenage children. At about 6:15 that morning, I was awakened by loud pounding on the front door. My husband was not at home. I opened the door, and approximately four persons who identified themselves as FBI agents came into my apartment. The agents said they had a warrant for my arrest. The agents asked if there was anyone else at home, and I said my two children were there. The agents also asked if there were any weapons in the apartment, and I said "no." At that point, the agents went through all the rooms in the house.

3. Shortly thereafter, the agents told me to get dressed and asked me if I had a passport. I said I did and retrieved it from a small safe in my bedroom. I re-locked the safe and left it on the bed.

4. I was then handcuffed and taken out of the house and put into an agent's car. I waited for about half an hour in the car. During that time the agents remained in my apartment. I was then taken to the FBI's office in White Plains, arriving at about 8:00 a.m.

5. While I was at the FBI's office, a female agent asked me for permission to search the house. I declined. About half an hour later, the same agent told me it would be "easier" if I cooperated and asked me again for permission to search the house. I declined again.

6. When I arrived home late that evening, the apartment was a mess. The agents had left garbage in the kitchen, including several empty pizza boxes and soda containers. It appeared as if they had been there all day.

7. I have reviewed the affidavit submitted in support of a search warrant for my home. In paragraph six, there is a list of computers and other electronic equipment seized by the agents. Each item is identified by its serial number. I am quite certain that the serial numbers on these items were not readily apparent. To obtain the serial numbers, the agents would have had to move the items, turn them around or upside down, and closely examine them.

Dated: January 30, 2008
Queens, NY


CLAUDIA FRANCIS